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10191/2313

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : LENZING et al.  
 Serial No. : 10/088,841  
 Filed : July 17, 2001  
 For : DEVICE FOR DETERMINING AT LEAST ONE  
 PARAMETER OF A FLOWING MEDIUM  
 Examiner : To Be Assigned  
 Art Unit : To Be Assigned

Mail Stop PCT  
 Commissioner for Patents  
 Office of PCT Legal Administration  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**TRANSMITTAL**

S I R:

In response to the Communication Regarding Submission Under 37 CFR 1.42 mailed May 13, 2003, Applicants submit a Response To Communication Regarding Submission Under 37 CFR 1.42.

It is believed that no fees are due in connection with this Response. However, should any fees be due, the Commissioner is authorized to charge Deposit Account No. 11-0600 for such fees. A duplicate copy of this communication is enclosed for charging purposes.

Respectfully submitted,

By: *Richard L. Mayer* (Reg. No. 22,490)

Dated: 7/14/03

By: *Richard L. Mayer*  
 Richard L. Mayer, Reg. No. 22,490



26646

PATENT TRADEMARK OFFICE

**RECEIVED**  
**18 JUL 2003**  
 Legal Staff  
 International Division

KENYON & KENYON  
 One Broadway  
 New York, New York 10004  
 (212) 425-7200

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**RESPONSE TO COMMUNICATION REGARDING  
SUBMISSION UNDER 37 C.F.R. 1.42**

SIR:

In the latest refusal by the Patent Office of the declaration signed by Anke Fleischer and Eva Tank on behalf of the deceased inventor Dieter Tank, the Patent Office explains that the "estate of Johannes Tank [deceased father of Dieter Tank] is now a joint heir of the deceased inventor Dieter Tank. Accordingly, the legal representative (or all the heirs) of Johannes Tank must execute the present declaration before it can be accepted." Decision dated May 13, 2003, at page 2. On information and belief, it has been learned that Dieter Tank had no siblings and therefore his mother, Eva Tank, is the sole heir of the estate of her late husband, Johannes Tank. Since Eva Tank has already signed the declaration submitted with the prior communication, it is respectfully requested that this declaration is in order.

*Express Mail No.*  
*EV332464326 US*

Accordingly, acceptance of this declaration is respectfully requested.

Respectfully submitted,

KENYON & KENYON

Dated: 7/14/03

By: Richard L. Mayer  
Richard L. Mayer  
Reg. No. 22,490

One Broadway  
New York, NY 10004  
(212) 425-7200

Official Copy

GR N No. 52/01

**Notary's Office I Kornwestheim**

Probate Court

Notary's Office I Rathaus, 70806 Kornwestheim  
Telephone 07154/202-452

C E R T I F I C A T E    O F    I N H E R I T A N C E

Sole heir of

Dieter Tank  
last residing in Kornwestheim, Pflugfelder Str. 68,  
born 06/16/1963,

deceased on 01/31/2002 in Möglingen,

is:

Anke Fleischer,  
Pflugfelder Str. 68    70806 Kornwestheim,  
Born 08/02/1967.

04/25/2001

sgd. Längst

Notary

Executed!

This official copy is an exact copy of the  
original.

Kornwestheim, April 25, 2001

Notary's Office Kornwestheim

Guardianship and Probate Court

Notary

Sgd.

- Längst -

Official Seal

I GR N No. 52/01

**Notary's Office I Kornwestheim**

Probate Court

Notary's Office I Rathaus, 70806 Kornwestheim  
Telephone 07154/202-452

Executed on 03/05/2001

Present: Notary Längst

**Re: Probate Matter Dieter Tank**

**Last residing in Kornwestheim, Pflugfelder Str. 68,  
deceased on 01/31/2001, Möglingen**

**OPENING OF THE WILL**

For the opening, the following testamentary disposition has been presented:

Hand-written, unilateral will dated 06/30/1998. Delivered opened by Mrs. Anke Fleischer.

In view of the lack of testamentary disposition, legal heirs would be:

- a) the father, Johannes, called Hans, Tank
  - b) the mother, Eva Tank,
- both residing in 35037 Marburg, In der Wann 22  
- one half to each -.

Mrs. Anke Fleischer has been summoned to appear at today's meeting.

Mrs. Anke Fleischer,  
Pflugfelder Str. 68, 70806 Kornwestheim,  
Born 08/02/1967,

- identified by presenting a personal identification card -

appears and states:

Further testamentary dispositions (last wills/contracts of inheritance) are not known.

The disposition was then opened and read.

The notary presented the following options with regard to the contents:

1<sup>st</sup> Alternative:

According to the wording, decedent did not name any heirs. Therefore, the parents Hans and Eva Tank, would be appointed heirs, at equal moieties. The apartment share of 576/1000, parking slot and the remaining mortgage would be taken over by Anke Fleischer by way of bequest.

In this alternative, the certificate of inheritance would have to be issued to the parents. The ownership in apartment share and parking slot would have to be transferred to Anke Fleischer, by way of notarial conveyance of land and assumption of debt. The remaining inheritance, in particular the accounts, would be passed to the parents as heirs by virtue of succession of inheritance.

2<sup>nd</sup> Alternative:

Decedent meant to appoint Anke Fleischer as the sole heir to his apartment share, the parking slot and the liabilities. At the same time, he meant to assign to his parents such inheritance not consisting of the apartment share, the parking slot and liabilities. In this case, the certificate of inheritance would have to be issued as certificate of sole inheritance to Anke Fleischer. Apartment share, parking slot and debts automatically pass to Anke Fleischer. Initially, the remaining inheritance would pass to Anke Fleischer as well, to be surrendered to the parents by Anke Fleischer. The notarial documents named for the 1<sup>st</sup> alternative would not be required in this case.

I, Anke Fleischer, favor the 2<sup>nd</sup> alternative. Should decedent's parents agree to this alternative, I will, naturally, undertake to surrender or transfer the remaining inheritance without delay.

As of today, this involves:

- balance at the Volkswagenbank (available immediately)	DM33,180.19
- balance at the Bundesschuldenverwaltung (due 09/01/2006)	DM 4,000.00
- Balance at Dresdner Bank (capital-forming investments)	DM 3,654.41
- Balance at Sparda-Bank	DM17,362.00

(checking account and savings certificates)

The VW Gold IV already has been handed over to decedent's parents.

At present, the remaining debt at Hypo-Vereinsbank stands at approx. DM314,000. In this context, decedent was internally liable to 50%, so that the inheritance is affected by ca. DM157,000.

I request that one certified copy of the last will and of the record of the proceedings be sent to me and decedent's parents.

A certificate of inheritance will only be requested once it has been decided how to interpret the testamentary disposition. The aid of the probate court is requested.

The fees are to be based on an inheritance of approx. DM130,000.

Read, approved and signed:

Anke Fleischer

Längst

Last Will

I, Dieter Tank, born 06/16/1963, bequeath to Anke  
Fleischer, born 09/02/1967, my apartment share of 57.6% in  
our jointly owned condominium apartment, the parking slot  
in the underground garage, as well as the remaining debt in  
connection with our joint loan.

Everything else goes to my parents, Eva and Hans Tank.  
Should my parents be unable to accept the inheritance, I  
leave this share in my property to Anke Fleischer as well.

Kornwestheim, 06/30/1998

Sgd. Dieter Tank